

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

*Swinerton Builders*

§

Plaintiff,

§

v.

CIVIL ACTION NO. 4:10-cv-01791

§

*Zurich American Insurance Company,  
Travelers Insurance Company, ACE  
American Insurance Company, Atlantic  
Casualty, Continental Western Insurance  
Company,, Hartford Casualty Insurance  
Company, ACEA American Insurance  
Company and CNA Transportation  
Insurance Company, St. Paul Mercury  
Insurance Company & Amerisure Mutual  
Insurance Company*

§

Defendants.

**Plaintiff Swinerton Builders' Rule 26 Initial Disclosures**

Pursuant to Federal Rule of Procedure 26(a)(1), Plaintiff Swinerton Builders (hereinafter "Swinerton") makes these Initial Disclosures:

- A. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:

Brian Duncan  
c/o Lawrence J. West  
Johnson, Trent, West & Taylor, L.L.P.  
919 Milam, Suite 1700  
Houston, Texas 77002  
(713) 222-2323

Swinerton reserves its right to supplement its responses.

- B. A copy of, or a description by category and location of, all documents, electronically stored information, and tangible things that the disclosing party has in its

**possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:**

Insurance Policy Number KK08001080 issued by St. Paul Mercury Insurance Company to MCR for the policy period 7-1-03-7-1-04.

Insurance Policy Number HD G2160661 issued by Ace American Insurance Company to Ingersoll Rand effective from 1-1-04 to 1-1-05.

Insurance Policy Number 59 UUN UL5071 issued by The Hartford to B&B Glass, Inc. from 7-15-03 to 7-15-06.

Insurance Policy Number GL0351723801 issued by Zurich Insurance Company to Mid-Continental Restoration from 7-1-02 to 7-1-03.

Insurance Policy Number TCP2068279955 issued by Transportation Insurance Company to Pyramid Waterproofing from 1-27-03 to 1-27-04.

Insurance Policy Number 2082685948 issued by CNA Insurance to Pyramid Waterproofing from 1-27-05 to 1-27-06.

Insurance Policy Number CPP20030710002 issued by Amerisure Insurance Company to Now Specialties, Inc. from 10-1-02 to 10-1-03.

Insurance Policy Number CPP2003071 issued by Amerisure Insurance Company to Now Specialties, Inc. from 10-1-04 to 10-1-05

Insurance Policy Number L-076001004 issued by Atlantic Casualty Insurance Company to Excel Plumbing. from 10-16-02 to 10-16-03.

Insurance Policy Number L-076001004 issued by Atlantic Casualty Insurance Company to Cypress Industrial Coatings from 9-4-03 to 9-4-04

Insurance Policy Number BLOO53151684 issued by Travelers Insurance Company to Excel Plumbing from 11-17-03 to 11-17-04.

Insurance Policy Number TP 1790934-22 issued by Continental Western Insurance Company to Excel Plumbing from 10-16-02 to 10-16-03.

Plaintiff's Second Amended Petition in Cause No. 2006-76157; *University of Houston System, v. Swinerton Builders, A California Corporation, et al;* In the 334<sup>th</sup> Judicial District Court of Harris County, Texas.

- C. **A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered:**

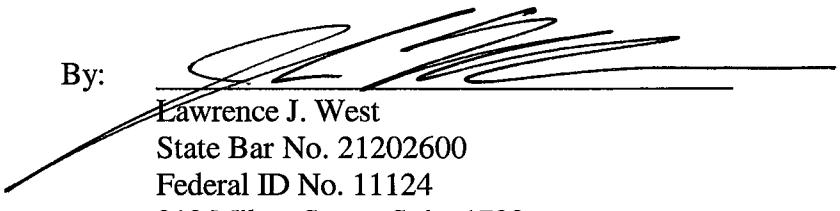
Swinerton seeks a declaration of the Defendants' obligation to provide Swinerton a defense.

- D. **For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment:**

The insurance policies made the subject of this lawsuit.

Respectfully submitted,

**JOHNSON, TRENT, WEST & TAYLOR, L.L.P.**

By: 

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SWINERTON BUILDERS**

## Certificate of Service

I certify that a copy of the above and foregoing was served on each party's attorney listed below on this 11 day of August, 2010, by the method indicated next to the attorney's name.

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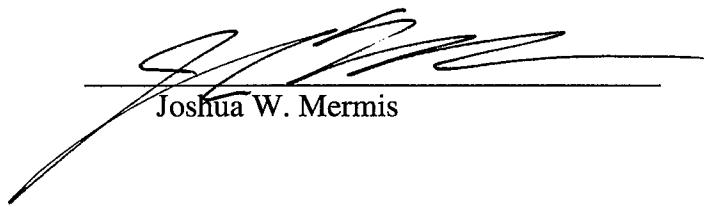
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155576.1-8/5/2010

157085.1-8/19/2010